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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Art Unit: 2661

**Gallant et al.**

Serial No. 09/766,943

Examiner: Not Assigned

Filed: 01/22/2001

Attorney Docket: RIC00016

For: INTELLIGENT POLICY SERVER SYSTEM AND METHOD FOR  
BANDWIDTH CONTROL IN AN ATM NETWORK

**Response to Notice to File Missing Parts**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts dated March 21, 2001, Applicants submit the attached executed Declaration with combined Power of Attorney. Payment of the requisite surcharge for this submission is provided for in the accompanying fee transmittal form.

In response to the informalities also cited, Applicants submit herewith 19 sheet(s) of 25 figure(s) of drawings to be substituted for the corresponding drawing sheets presently on file in the above-identified application.

Furthermore, executed assignment documents, along with a Recordation of Assignment form, are enclosed herewith. The requisite fee for recordation is provided for in the accompanying fee transmittal form.

The Commissioner is hereby authorized to charge any other applicable extension or petition fees under 37 CFR 1.17, any additional filing fees required under 37 CFR 1.16, any patent processing fees or surcharges under 37 CFR 1.16, and any fees associated with the recordation of the Assignment during the pendency of this application, or to credit any overpayment, to Worldcom's Deposit Account 13-2491.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank McKiel, Jr."

Frank McKiel, Jr.  
Reg. No. 43,792



**UNITED STATES PATENT AND TRADEMARK OFFICE**

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/766,943	01/22/2001	John K. Gallant	RIC-00-016

**CONFIRMATION NO. 3388**

**FORMALITIES LETTER**



"OC000000005876734"

Paul Roberts, Esq.  
Technology Law Department  
MCI WorldCom, Inc.  
1133 19th Street NW  
Washington, DC 20036

Date Mailed: 03/21/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

***Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

05/08/2001 HMDHAMM1 00000047 132491 09766943

01 FC:105

130.00 CH

***A copy of this notice MUST be returned with the reply.***

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Please type a plus sign (+) inside this box → **[+]**

Sectors  
#3

Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

**32**

Application Number **09/766,943**

Filing Date **01/22/2001**

First Named Inventor **Gallant**

Group Art Unit **2661**

Examiner Name

Attorney Docket Number **RIC00016**

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input checked="" type="checkbox"/> Drawing(s) 19 sheets	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Return Postcard MPEP503
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

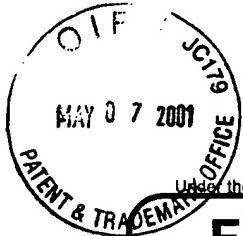
Firm or Individual name	Frank McKiel, Jr. WorldCom Technology Law Department
Signature	
Date	5/2/2001

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: **May 3, 2001**

Typed or printed name	Angela N. Trafton		
Signature			
	Date	5/3/2001	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/17 (09-00)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 170.00)

**Complete if Known**

Application Number	09/766,943
Filing Date	01/22/2001
First Named Inventor	Gallant
Examiner Name	
Group Art Unit	2661
Attorney Docket No.	RIC00016

<b>METHOD OF PAYMENT</b>				<b>FEES CALCULATION (continued)</b>																																																																																																																																																																																																			
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number <input type="text" value="13-2491"/></p> <p>Deposit Account Name <input type="text" value="WorldCom, Inc."/></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity</th> <th style="text-align: left;">Small Entity</th> <th colspan="4"></th> </tr> <tr> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Description</th> <th colspan="2">Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65 Surcharge - late filing fee or oath</td><td colspan="2">130.00</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25 Surcharge - late provisional filing fee or cover sheet</td><td colspan="2"></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130 Non-English specification</td><td colspan="2"></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520 For filing a request for ex parte reexamination</td><td colspan="2"></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920* Requesting publication of SIR prior to Examiner action</td><td colspan="2"></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840* Requesting publication of SIR after Examiner action</td><td colspan="2"></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55 Extension for reply within first month</td><td colspan="2"></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195 Extension for reply within second month</td><td colspan="2"></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445 Extension for reply within third month</td><td colspan="2"></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695 Extension for reply within fourth month</td><td colspan="2"></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945 Extension for reply within fifth month</td><td colspan="2"></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155 Notice of Appeal</td><td colspan="2"></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155 Filing a brief in support of an appeal</td><td colspan="2"></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135 Request for oral hearing</td><td colspan="2"></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510 Petition to institute a public use proceeding</td><td colspan="2"></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55 Petition to revive - unavoidable</td><td colspan="2"></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620 Petition to revive - unintentional</td><td colspan="2"></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620 Utility issue fee (or reissue)</td><td colspan="2"></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220 Design issue fee</td><td colspan="2"></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300 Plant issue fee</td><td colspan="2"></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130 Petitions to the Commissioner</td><td colspan="2"></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50 Petitions related to provisional applications</td><td colspan="2"></td></tr> <tr><td>126</td><td>240</td><td>126</td><td>240 Submission of Information Disclosure Stmt</td><td colspan="2"></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40 Recording each patent assignment per property (times number of properties)</td><td colspan="2">40.00</td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355 Filing a submission after final rejection (37 CFR § 1.129(a))</td><td colspan="2"></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355 For each additional invention to be examined (37 CFR § 1.129(b))</td><td colspan="2"></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355 Request for Continued Examination (RCE)</td><td colspan="2"></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900 Request for expedited examination of a design application</td><td colspan="2"></td></tr> <tr><td colspan="4">Other fee (specify) <input type="text" value="Submission of Corrected Application Papers"/></td><td colspan="2"></td></tr> <tr> <td colspan="4"></td><td colspan="2" style="text-align: right;">SUBTOTAL (3) (\$ 170.00)</td> </tr> </tbody> </table>				Large Entity	Small Entity					Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid		105	130	205	65 Surcharge - 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SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Frank McKiel, Jr.	Registration No. (Attorney/Agent)	43,792	Telephone <input type="text" value="719-535-6307"/>
Signature			Date	<input type="text" value="5/2/2001"/>

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